United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IMPINJ, INC.,

           Plaintiff,

    v.

NXP USA, INC.,

           Defendant.

Case No. 19-cv-3161-YGR

PRETRIAL ORDER NO. 2

TO ALL PARTIES AND COUNSEL OF RECORD:

    In further preparation for the upcoming trial, all parties are advised of the following:

1. **Prospective Jurors:** The parties are advised that prospective jurors were sent an electronic questionnaire. The Court will share the results with the parties, hopefully by Friday, June 30, 2023. The parties shall meet and confer on whether to stipulate to excuse any jurors and shall advise the Court of the same by noon on Sunday, July 2, 2023. The Court will make its own independent determinations to excuse on hardship grounds.

2. In accordance with Model Rule of Professional Conduct 3.5(b) and Formal Opinion for 466, the parties "may review a juror's or potential juror's Internet presence, which may include postings by the juror or potential juror in advance of and during the trial, but . . . may not communicate directly or through another with a juror or potential juror." A party "may not, either personally or through another, send an access request to a juror's electronic social media. An access request is a communication to a juror asking the juror for information that the juror has not made public and that would not be the type of *ex parte* communication prohibited by Model Rule 3.5(b)." Further, to the extent that a party asks any follow-up questions to a prospective juror during *voir dire* regarding information obtained from the review, the party

1   shall disclose the review to the juror.

2   **3. Trial Schedule:** The parties are advised that the Court will be dark on Monday, July 10, 2023

3   and should plan accordingly.

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5   IT IS SO ORDERED.

6   Dated: 6/28/2023

7   _____
     YVONNE GONZALEZ ROGERS
8   UNITED STATES DISTRICT COURT JUDGE

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